

REMARKS

Claims 1-3 and 5-10 are all the claims pending in the application and stand rejected.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-3, 5 and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Applicant's Admitted Prior Art (APA). Applicant traverses this rejection as follows.

Claim 1 recites, *inter alia*, wherein the light emitting surface emits light substantially in a direction along said printed circuit board.

In the rejection, the Examiner relies on the phone shown in FIG. 1B as the basis for rejecting claim 1. In particular, the Examiner contends this figure discloses an LED 11 which allegedly emits light in all directions, such that light will be emitted along the printed circuit board. (*Office Action*, p. 3). In response, Applicant submits the Examiner's position here is in direct contrast to the express disclosure in the present specification. As disclosed therein, the light beams are emitted from the surface of the LED 11 in vertical direction to the surface of the printed circuit board. (*Specification*, p. 2). Further, this is exemplified by the "direction indicated by arrow D in FIG. 1B. Consequently, the Examiner's position is in direct contrast to the express disclosure of the APA.

In the Advisory Action, the Examiner contends:

As one of ordinary skill in the art knows, an LED is not a laser which only emits light in one direction. A surface LED, regardless of which direction it emits light, will also disperse some light in other directions despite the fact that it is pointed in one direction. Emitting light in a direction along said printed circuit board, broadly interpreted, is anticipated by the APA and is not in direct contrast to the disclosure of the APA.

(*Advisory Action*, p. 2).

However, in contrast to the Examiner's contentions, Applicant submits claim 1 is patentably distinguishable from the Admitted Prior Art (APA) because the APA discloses that the light beams are emitted from the surface of the LED 11 in vertical direction to the surface of the printed circuit board. (*Specification*, p. 2). Further, this is exemplified by the "direction indicated by arrow D in FIG. 1B. Consequently, the APA emits light beams from the LED 11 substantially in a vertical direction to the surface of the printed circuit board, not substantially in a direction along said printed circuit board.

Furthermore, U.S. Patent 5,486,816 to Ariga et al., which is relied on the Examiner in the following rejection, discloses a side emitting type LED 30 having an optical axis perpendicular to the element axis. (col. 6, lines 17-20). Ariga teaches that using this side-emitting type LED 30 eliminates the need to bend the lead terminals. However, if an LED emitted light in all directions, such a bending would not be required. Accordingly, the Examiner's position is not only unsupportable, but is in direct contrast to the express disclosure of the APA and the only other reference relied on in the present Office Action.

Thus, Applicant submits the APA fails to disclose wherein the light emitting surface emits light substantially in a direction along said printed circuit board, for at least these reasons.

Therefore, Applicant submits claim 1 is patentably distinguishable over the APA. Additionally, Applicant submits claims 2-3, 5 and 8-10 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the APA in view of Ariga et al. (US 5,486,816). Applicant traverses this rejection as follows.

In the rejection, the Examiner contends the APA discloses most of the features recited in claims 6 and 7, but concedes the APA fails to disclose an LED of the side emitting type. To compensate for this deficiency the Examiner applies Ariga alleging it discloses an LED of a side emitting type. As a reason to combine, the Examiner contends it would be obvious to modify the APA to use an LED of a side emitting type to provide a method where the light can be directed into a general direction without having the bend the lead terminals to mount the LED.

In response, Applicant submits the Examiner has failed to establish *prima facie* obviousness because the reasons to modify provided by the Examiner are illogical. Specifically, as shown in FIG. 1B of the APA and as disclosed in the specification, the purpose of LED 11 is to emit light vertically. However, if modified by the side emitting LED of Ariga, the light would not be emitted vertically, the thus, the LED would be rendered unsatisfactory for its intended purpose. Further, to emit light vertically, the lead terminals of Ariga's LED would have to be bent. Thus, the Examiner's reasons to modify the APA are in direct contrast to the Examiner's proposed modification.

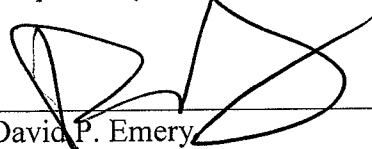
Thus, because one of ordinary skill in the art would not modify the APA as suggested by the Examiner, Applicant submits claims 6 and 7 are allowable. Additionally, because Ariga also fails to compensate for the deficiencies of the APA as set forth above, Applicant submits claims 6 and 7 are allowable by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



David P. Emery
Registration No. 55,154

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 7, 2008